

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 640
OUTFITTER REGULATIONS

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AUTHORITY: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003; amended at 29 Ill. Reg. 12483, effective July 28, 2005.

Section 640.10 Definitions

Client - an individual who provides, or who has provided on his or her behalf, financial or other consideration to an outfitter in exchange for the use of the outfitter's goods and services.

Guide - an individual providing guide services to clients of an outfitter.

Guide Services - providing any of the following: providing advice to the hunter while hunting about how and/or where to conduct his hunt, setting decoys, calling, stalking, pursuing, tracking, field dressing, caring for meat, field preparation of trophies including skinning or capeing, carriage of hunters, carriage of hunter's equipment or carriage of deer or turkey harvested by hunters.

Outfitter - a person (as defined in the Wildlife Code [520 ILCS 5/1.21]) who provides or offers to provide, for compensation, outfitting services for deer or wild turkey hunting.

Outfitting Services - providing deer and/or wild turkey hunting for compensation and:

providing guides, guide services, equipment, stands, blinds or transportation to and from the field; or

is on land leased or rented by the provider primarily for the purpose of deer and/or wild turkey hunting; or

is on land subleased for deer or wild turkey hunting or the sublease includes deer or wild turkey hunting. (A hunting lease by a hunter or group of hunters from a landowner does not, in itself, make the landowner an outfitter, nor does providing transportation to or from a place of accommodation or hub of public transportation.)

Resident Corporation - for the purpose of outfitter permitting, a resident corporation shall be:

an Illinois corporation that has been in existence for at least 30 days prior to submitting an application for an outfitter permit; and

a corporation in which more than 50% of the stock is owned by Illinois resident individuals.

Resident Limited Liability Company - for the purpose of outfitter permitting, a resident limited liability company (LLC) shall be:

an Illinois LLC that has been in existence at least 30 days prior to submitting an application for an outfitter permit; and

An LLC in which more than 50% of the ownership is held by Illinois resident individuals.

Section 640.20 Minimum Standards

- a) An outfitter shall:
 - 1) have a current valid Illinois outfitter permit;
 - 2) be at least 21 years of age (If the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person.);
 - 3) not had his or her hunting privileges under the Wildlife Code suspended or hunting licenses revoked within the last 5 years. If the outfitter is a business entity, no officer or employee or contact person may have been suspended or revoked within the past 5 years;
 - 4) provide to each client, prior to commencement of outfitting services, in writing, the type of service provided, dates of service, cost of services, and a copy of the outfitter's refund policy;

- 5) be responsible for ensuring each client has the necessary permits, stamps and licenses prior to any hunting;
 - 6) indicate clearly to clients the boundaries of the property on which the client is hunting and instruct the client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);
 - 7) make no guarantees, either oral or written, as to the success of the hunt;
 - 8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;
 - 9) not take or attempt to take any wildlife on behalf of the client;
 - 10) maintain a current log of all individuals who hunt on the property controlled under the outfitter permit, including the dates they hunted, their hunting license and permit numbers, and harvest information (numbers, sex, approximate age), whether the hunter was a paying client or a free hunter. This log must be maintained by the outfitter for 5 years; and
 - 11) if he or she performs guide services, meet the requirements of subsection (b).
- b) A guide shall:
- 1) be at least 18 years of age;
 - 2) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code within the past 5 years;
 - 3) have a current Illinois hunting license and habitat stamp;
 - 4) have proof of successful completion of a State-approved hunter-safety course;
 - 5) obey all State and federal wildlife and weapons laws and regulations; and
 - 6) not take or attempt to take any wildlife on behalf of the client.

(Source: Amended at 29 Ill. Reg. 12483, effective July 28, 2005)

Section 640.30 Application Requirements

In order to obtain a permit to operate as an outfitter, the applicant must submit to the Department of Natural Resources, Outfitter Services, One Natural Resources Way, Springfield IL 62702-1271, an application containing the following information:

- a) The name, address, date of birth, phone number and Social Security Number of the

applicant, if an individual; or if a business entity, the company, corporation, limited liability company or partnership name, along with a copy of the organization papers filed with the Secretary of State and/or the certification of compliance with the Assumed Business Name Act from the County Clerk, and the name, address, date of birth, phone number and Social Security Number of the contact person, with a certification the applicant is an Illinois resident or a non-resident of Illinois.

- b) A plat map showing the location of the property where the outfitting services will be provided.
- c) A map of the property owned or leased by the applicant, which shows the acreage in various land uses/habitats (for example, crop fields, hay crop, pasture, woods, brush, etc.), delineating the number of acres owned and the number of acres leased or rented.
- d) A description of hunting activities proposed for the current year, including the approximate number of hunters, whether deer or turkey hunting, and the type of weapons to be used.
- e) A management plan for each species (deer or turkey) to be hunted by completely and accurately filling out a standardized form provided by the Department.
- f) Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of \$1,000,000.
- g) A list of any guides to be employed, and any guides who quit or whose employment was terminated, with the name, address, date of birth, and Social Security Number of each guide. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 67202-1271.

Section 640.40 Permit Fees

The permit fees for an outfitter shall be:

- a) \$500 for a resident.
- b) \$2,500 for a non-resident.

(Source: Amended at 29 Ill. Reg. 12483, effective July 28, 2005)

Section 640.50 Acceptance or Rejection of Applications

- a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.
- b) Incomplete or inadequate applications may be completed and re-submitted within 15

days or until the end of the application period, whichever is longer.

- c) Applications will be accepted from January 15 through July 15, inclusive. Addendums adding acreage may be filed through September 30.
- d) Outfitters that allow deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental conditions in the immediate area shall be notified of the impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, the outfitter shall be warned that remedial action must be taken or his outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, his application for renewal shall be rejected and he shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.
- e) Full applications shall be required every 5 years. The annual renewal shall consist of tender of the appropriate fee and proof of insurance and notice of any changes from the current application or certification that there are no changes from the previous year, as well as a report of harvest, listing number of hunter days, and total number of male and number of female deer and/or turkey taken, regardless of whether the hunter was a paying client or a free hunter.

(Source: Amended at 29 Ill. Reg. 12483, effective July 28, 2005)

Section 640.60 Term of Permit and Fees

- a) The permit shall be for one year from July 1 to June 30.
- b) Applications and renewals are due at the Department by July 15 of each year. Applications or renewals received after July 15 cannot be guaranteed to be processed and a permit issued by September 1.

Section 640.70 Violations

It shall be unlawful for an outfitter to:

- a) employ any person as a guide or facilitator whose hunting license is revoked or whose privileges to hunt in Illinois are suspended;
- b) fail to provide to the Department documentation of change of ownership, transfer of corporate shares or transfer of LLC's membership within 45 days after the date of change;
- c) advertise or provide outfitting services at a time the outfitter does not hold a current

valid outfitter's permit;

- d) provide outfitting services on lands not included in the permit application;
- e) knowingly allow or cause a client to violate any provisions of the Wildlife Code or related administrative rules;
- f) advertise that outfitting services are provided on specific land unless that land is included in the permit;
- g) advertise in an intentionally false or misleading manner;
- h) fail to allow inspection of required records to an authorized employee of the Department during reasonable business hours; or
- i) fail to maintain required records.

Section 640.80 Penalty

- a) Violation is a petty offense (see 520 ILCS 5/3.1-3).
- b) Any person found guilty of operating as an outfitter without an Outfitter's Permit, or of failure to pay the appropriate permit fees, shall, in addition to any criminal penalties, be assessed a civil penalty of three times the amount that should have been paid. This penalty is payable to the Department and no outfitter permit shall be issued to any person found owing appropriate fees, nor to any organization or business entity of which such person is an officer, agent or employee until the penalty is paid in full.